

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Graham Edmund KELLY) Group Art Unit: 1616
)
Application No.: 09/986,509) Examiner: Edward J. Webman
)
Filed: November 9, 2001) Confirmation No. 5532
)
For: TREATMENT OR REDUCTION OF)
MENOPAUSAL SYMPTOMS)

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Novogen, Inc., having its principal place of business at 1013 Center Road, Wilmington, Delaware, 19805, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/986,509, filed November 9, 2001, for TREATMENT OR REDUCTION OF MENOPAUSAL SYMPTOMS in the name of Graham Edmund Kelly, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012155, Frame 0650 on September 12, 2001, for priority Application No. 09/077,590, filed June 2, 1998 (now U.S. Patent No. 6,340,703), for TREATMENT OR PREVENTION OF OSTEOPOROSIS.

Novogen Research Pty Ltd., duly organized under the laws of Australia and having its principal place of business at 140 Wicks Road, North Ryde, New South Wales, Australia, represents that it is the assignee of the entire right, title and interest in and to U.S. Patent

Application No. 09/602,191, filed June 22, 2000. Application No. 09/602,191 is a reissue application of U.S. Patent No. 5,830,887, issued November 3, 1998, from U.S. Patent Application No. 08/388,567, filed January 12, 1995, for HEALTH SUPPLEMENTS CONTAINING PHYTO-OESTRGENS, ANALOGUES OR METABOLITES THEREOF, in the name of Graham Edmund Kelly.

Copies of the Assignment, Recordation Form Cover Sheet, and Petition for Entry of Late Assignment Papers and for Patent to Issue to Assignee under 37 C.F.R. § 3.81(b) filed in priority Application No. 08/388,567, and the letter confirming the grant of the petition are filed herewith. Evidentiary documents have been reviewed and, to the best of Assignee's knowledge and belief, title to U.S. Patent No. 5,830,887 is in the name of the Assignee, Novogen Research Pty Ltd.

To the best of the Assignee's knowledge and belief, Novogen, Inc. is a wholly owned U.S. subsidiary of Novogen Limited, an Australian corporation. Novogen Research Pty Ltd. is also and has always been a wholly owned subsidiary of Novogen Limited. Accordingly, common ownership according to the requirements of CFR § 1.321 is established.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of pending Application No. 09/602,191. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is authorized to act on behalf of assignee Novogen, Inc.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Signed: _____

Dated: _____

Name: _____

Title: _____

Assignee: Novogen, Inc.

Ronald Lea Errati

14 June 2007

RONALD LEA ERRATI

SECRETARY,